

PROCEEDINGS AT THE
DEDICATION OF THE
THEOPHILUS HARRINGTON MONUMENT

July 3, 1886

Copied from the

Rutland Herald of July 5, 1886.

By Eva J. Stickney .

January 5, 6, 7, 1913 .

J U D G E H A R R I N G T O N ,

WHO DEMANDED A BILL OF SALE FROM THE ALMIGHTY.

Dedication of the State's Monument to His Memory.

Oration by Judge Wheeler. Speeches by Prominent Men.

Saturday the monument erected by the State of Vermont to the memory of Judge Theophilus Harrington, in Chippenhook cemetery in Clarendon, about eight miles from Rutland, was dedicated by appropriate services, which were participated in by numerous public men and witnessed by 1500 or 2000 people. The day was blazing hot and scarcely a breeze relieved its intensity, but the country is delightfully fresh, so the drive to the scene, after getting beyond the roads of Rutland, was comfortable and in many respects delightful. The people of Clarendon had erected a speakers' stand in a grove of tall and elegant maples, on a hillside near the cemetery, and placed among the trees a large number of settees. The people of the adjoining town of Tinmouth had erected tables, where, after the exercises were over, a bounteous collation, to which many of the visitors contributed, was served. The monuments and headstones in the well filled cemetery below, where the good people of four generations lie buried, among them ten soldiers of the Revolution, gleamed white through the foliage, and on the front side, nearest the highway,

and more conspicuous than any of its surroundings, stood the granite shaft just erected by the State, to the memory of the plain farmer judge who, early in this century, earned for himself an undying fame and for his State a unique renown, by refusing to surrender a fugitive slave unless the claimant produced a bill of sale from the Almighty.

THE MONUMENT.

A Simple but Suitable Structure. The Old Headstone and its Inscription.

Mr. Cyril Carpenter of Rutland is given credit for being the first to propose that the State honor itself by erecting this monument. At the session of the general assembly in 1884 a bill was enacted appropriating \$400 for the purpose and Judge Wheelock G. Veezey of the supreme court, (who, as colonel of the 16th Vt., in Stannard's brigade, had borne a conspicuous part at Gettysburg in helping to consummate the emancipation policy that Judge Harrington began 70 or 80 years before), and Messrs. Levi Rice of Timmouth, Seneca E. Smith and Hannibal Hodges of Clarendon and Lyman W. Fish of Ira, were appointed commissioners to carry the act into execution. They made a contract with Messrs. White Bros., of Barre, Vt., for the best monument of Barre granite that the meager appropriation would pay for, and the result is a well made, plain, substantial structure, about 20 feet high, of which the foregoing cut is a correct represen-

tation, having been reproduced from a photograph by A. D. Perkins of Rutland.

The monument stands at the front side of the grave and at the head of the grave is a large blue marble slab, which was erected a long time ago by the Masonic brethren of the deceased judge. Upon this headstone is the following inscription:

THE HON. THEOPHILUS HARRINGTON,

died Nov. 17th, 1813, in the 52d year of his age, and was buried here with Masonic honors. He was the fifth in lineal descent from Isaac Harrington, who settled in the east part of Connecticut in the year 1636. He was the fifth by the mother on the father's side from Gen. Theophilus Whaley, who settled in New Haven, Conn., in 1660. He was the sixth also by the mother on the father's side from Doct. John Clarke, who settled in Rhode Island in 1636, and who was the first Baptist preacher there and afterwards governor of that colony. His mother was grand-daughter of Doct. Michael Dwinelle, who fled from Paris, France, upon the revocation of the Edict of Nantes, and in 1686 settled in Topsfield, Massachusetts. By the mother's side he was the fifth from Thomas Harris, who settled in Plymouth colony in 1620. He had held the office of selectman and representative of the town of Clarendon, Chief Judge of Rutland County Court, and for the last ten years of his life he was a Chancellor and assistant judge of the Supreme Court of Judicature of the State of Vermont.

After many had examined these stones, all repaired to the grove, where the Rutland cornet band was discoursing patriotic airs. Judge Veazey, as chairman of the monument commissioners, called to order at 11 o'clock and prayer was offered by Rev. George H. Morss of Clarendon. Judge Veazey, in a brief speech, gave a history of the monument and in behalf of himself and associates turned it over to the people of the State. He asked the company to elect a chairman of the meeting and on mo-

tion was unanimously chosen himself. After music he introduced the Hon. Hoyt H. Wheeler of Brattleboro, judge of the United States courts for the district of Vermont and formerly a judge of the supreme court of Vermont, who, in a clear but not loud voice, proceeded to deliver the following admirable address:

JUDGE WHEELER'S ORATION .

"The Short and Simple Annals of the Poor." A Concise Statement of the Legal Aspects of the Slavery Question. How Judge Harrington earned his renown.

Mr. Chairman and Ladies and Gentlemen:--

When the woman at Bethany broke the alabaster box of ointment of spikenard, very precious, and poured it on the head of the Saviour of mankind, there were some, even among the disciples, who said among themselves, "To what purpose is this waste?" and they murmured against her. Jesus said, "Let her alone; she hath done what she could. Whosoever this gospel shall be preached, throughout the whole world, this also that she hath done shall be spoken for a memorial of her."

This monument, which the State has erected at the grave of this man, is to perpetuate his memory as a judge. The highest office which he held was that of judge of the supreme court. Within the State are the graves of more than three-score of her judges of that rank, among them those of Phelps and Royce, Williams and Collamer, Redfield and Steele. Peak

and Pierpoint, and at some of them and at that of one chief justice there are no memorial stones. The contents of the treasury of the State represent the small savings of toil, indeed very precious, and only once before has it been opened to erect a monument or headstone at the grave of any judicial officer. That was to place a monument at the grave of Judge Chipman, who did more than any other man to shape the jurisprudence of the State in its beginning, and whose resting-place among these same hills, almost within hearing of this day's doings, was fast becoming unknown. This monument is not put up to rescue the grave of this man from oblivion; it was well and conspicuously marked before. There is a higher purpose in what the State has done. The story of his life has long been told upon a permanent stone, placed here long ago by a society of men of which he was a member.

When King Charles I. was beheaded for his opposition to Parliament, a regiment commanded by Col. Hacker was present, and Theophilus Whale was probably an officer in that regiment. At about the time of the restoration he came to Virginia, where he had before been, and in 1670 married Elizabeth Mills, "a smart, tight little woman and a mighty doctress." At about 1675 he removed to North Kingstons, R. I., and lived in great obscurity and retirement, in an underground hut in a high bank at the head of Pettaquamscutt bay, above Boston neck. He was six feet tall at 100 years of ~~age~~ age, "not fat but thin and lathy," and died at East Greenwich in Rhode Island at the age of 103.

Isaac Harrington settled in the eastwardly part of Connecticut in 1636. A son of Theophilus Whal-e married a Harrington and had a son Theophilus. A Harrington intermarried with his descendants, and Judge Theophilus Harrington was a descendant of them. The house of commons in England erected a high court to try King Charles I., and among the judges were Edward Whalley, John Ditwell and William Goff, who fled to this country and lived in obscurity at New Haven and at Hadley. By some Theophilus Whal-e, which had the same name differently spelled, has been thought to have been one of these judges, and out of the similarity of names and circumstances an error upon the headstone appears to have crept in.

Theophilus Whal-e was Theophilus Harrington's grandfather's great grandfather; so was Thomas Harris, who was one of the pilgrims to Plymouth in 1620. Dr. John Clarke, who was a much-trusted man of the colony of Rhode Island and for a time governor, was his grandfather's grandfather's grandfather, and Dr. Michael Dwinelle of Topsfield, Mass., was his mother's grandfather. Theophilus Whal-e was a man of education and culture. The other remote ancestors of this man are thus shown to have been, many of them, learned men, but from lack of opportunity on account of the state of the country and times in which he was brought up, "self-taught" is placed against his name, where the place of his education should be, in a list of attorneys containing his name.

The precise day and place of his birth does not

appear to have been known when his headstone was erected, and is not known now; but it was in the year 1762 and in the eastwardly part of Connecticut. He came to Vermont at the age of 23, in 1785, took a wife on the way and settled in this town, and was a farmer. His good sense and sturdy character attracted the attention of his townsmen and he was made a selectman and elected a representative to the general assembly in 1795, and by the good sense of his townsmen he was elected representative again in 1798, and was continued in that office until 1803, and was that year speaker of the house. They were wise enough in that day to place and continue there their best man. At that time the judges of the county court were distinct from those of the supreme court, and were, as well as the latter, elected by the general assembly. He was by the latter body elected presiding judge of Rutland county court at the October session, 1800, and took his seat on the third Monday of November of that year. He was re-elected in 1801 and 1802, and thus was for three years at the same time representative from Clarendon and presiding judge of the county court. He was elected a judge of the supreme court in 1803, and was therefore at the same time representative from Clarendon, speaker of the house and judge of the supreme court. He presided last in the county court on the 25th of May, 1803.

In 1801 and 1802 Jonathan Robinson of Bennington, Royall Tyler of Brattleboro and Stephen Jacobs of Windsor were the judges of the supreme court. For four years Judges Robinson, Tyler and Harrington were the supreme court. Then

Chief Justice Robinson was elected United States senator from Vermont and Jonas Galusha was for two years the associate of Judges Tyler and Harrington. Then Judge Galusha was made governor and David Fay of Bennington was made judge in his place and continued the associate of Judges Tyler and Harrington until 1813, when the whole court was changed. Thus he was ten times elected by the general assembly to that high office, and was all the while the associate of learned, able and distinguished men. Chief Justice Jonathan Robinson, to distinguish him from, but not to disparage, Chief Justice Moses Robinson, the first Chief Justice, was a learned lawyer and an able jurist. Judge, and afterwards Chief Justice Tyler, was a man of great learning and ability, as well as an author, lawyer and judge, and one of the brightest men of the times. Judge Galusha was a man of solid worth and was five times elected governor, and Judge Fay was a man and a lawyer of learning and good ability. Judge Harrington was not a lawyer, from being educated to and learned in the law, at all. After he was elected a judge of the supreme court he was by courtesy admitted a member of the bar of the county court, of which he had been judge, in November, 1803. He thus became nominally a member of the bar, but nevertheless he was always a farmer, and never a lawyer, by education or profession or practice.

It is not all of a judge to be a lawyer. The office of a judge is to do justice and to award to parties their respective rights. Learning in the law is but a help to do this; the greater

the learning, however, the greater the help. Back of it all there must be a knowledge of mankind and of their dealings with one another, as they are involved in judgment, and above all, a sense of justice and right. All learning is a help. He lacked the learning of the law, and of books of all kinds, but the loss was made up to him by his keen insight of what came before him and by his appreciation of what was just and right. He could not make a writ, in order to bring a case into court if it involved any more than the filling of a form, much less could he frame the pleadings in a case to present it systematically to a court, as is the office of good lawyership. He did not understand the office of a demurrer, as such, and would not know the question presented by one until it should be explained to him by counsel or by his associates. But when the question raised in a case was brought within the range of his judgment, he comprehended it in all its bearings. He could sit in just and intelligent judgment upon cases which he had not the technical skill to bring. The learning which he lacked is not to be belittled by these considerations. The rights of men as they come before courts of justice are made more safe by it. His position does not show it is not needed, but only that all concerned in administering justice need not have it. He strove to do justice and succeeded without artificial help. When he was judge of the supreme court that court did not sit to decide questions of law merely, but tried cases over again on appeal, as cases from justices are tried over again in the county court. The supreme court had the original jurisdiction of the English

court of chancery, but the whole court only had the jurisdiction of a chancellor. Cases were heard or tried by jury and decided, but no opinions were reported or written. Judge Harrington probably never wrote a judicial opinion; certainly none written by him is reported.

Many anecdotes are told of his wise and quaint sayings in the decision of cases, but only two decisions upon distinct points of law are known. That he determined cases wisely and to general satisfaction is shown by his numerous re-elections, which are greater in number than those received by most judges. Of all the seventy-seven men who have held that high office of judge of the supreme court of the State, only thirteen have received more elections than he did, and one man as many. He could not only decide rightly in the main, but could go straight to the turning point of the matter, take in and explain its bearings, and not only see himself but make those concerned and others see that he was right. A man stole a horse in Canada and took it through Vermont into Massachusetts and sold it. He was indicted for stealing the horse in Vermont and his case came before the supreme court. It was objected with plausibility that he stole the horse only in Canada and merely took it through Vermont, and could ~~not~~ be punished criminally only either in Canada, where he stole it, or in Massachusetts, where he sold it. The other judges doubted somewhat, but Judge Harrington said that in his opinion the man stole the horse when he took it, and stole it every step of the way he took with it until he sold it, and was stealing it all the way through Vermont. The other judges concurred and the man was convicted. The decision has remained good law, recognized everywhere, to this day.

The other case was of far greater consequence than this or any other that ever came before him. The question was whether a man who had committed no crime owned himself or another man owned him. It was a principle in war in ancient times, that those captured in battle should belong to their captors, and these were afterwards sold as slaves. When the Indians came down from Canada and sacked settlements and carried away the settlers they divided the captives among themselves and each Indian owned, as Indians owned anything, the one allotted to him. The rights of such owners rested wholly on force. But not till about the time of the first settlements of this country did men begin to go to the countries of peaceful people and, because they could, take those most desirable away and hold and sell them for slaves. The first ship load of such captives was landed and sold in Virginia in 1620, just before the pilgrims landed at Plymouth. There was no law for holding them, but they were held merely because they were too weak to help themselves. The practice continued, the ownership of the offspring followed that of the mother, and at the time of the declaration of independence this slavery was in all the colonies.

The territory which is now Vermont was a part of New York. There was then no law in any of the colonies which provided expressly for the ownership of such slaves, but it was regulated by colonial statutes. In none of the colonies were the regulations more severe against the slaves than in New York. It has been said that no slaves were ever held in this territory of Vermont, but that is not true; there were some held here

while it was a part of New York. When the declaration of independence was adopted by the Continental Congress , it said, "All men are created equal," but this did not touch these slaves. In the same year of that declaration Connecticut, Delaware, Maryland, the Carolinas, Virginia, New Jersey, and only in the next year Georgia and New York, adopted constitutions, but they contained no declaration of rights affecting this subject. In that same year also Pennsylvania adopted a constitution, containing a declaration "that all men were born equally free and independent." That did not touch those who were their slaves. On July 2, 1777, Vermont followed with a constitution which struck, and was intended to strike, that very thing. It contained the same declaration "that all men are born equally free and independent", but kept on and added, "therefore no male person born in this country or brought from over the sea ought to be holden by law to serve any person as a servant, slave or apprentice, after he arrives at the age of 21 years, nor a female in like manner after she arrives at the age of 18 years." The declaration of independence gave freedom to all not slaves within its reach; the constitution of Vermont gave it all including slaves within its reach. The anniversary of the former is to-morrow and has always been and always should be celebrated with great pomp and ceremony; the anniversary of the latter was yesterday, but is lost sight of in the light of the greater event. There has never been a slave under Vermont.

Massachusetts in 1780 and New Hampshire in 1784 followed with constitutions declaring that all men are born free. In Massachusetts this was held to make all persons born afterwards

free, but not to free their living slaves. In New York slavery was continued for the time but provision was made for its gradual abolition. The constitution of the United States provides that no person, held to service of labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service of labor, but shall be delivered upon claim of the party to whom such service or labor may be due." In 1793 congress passed a law empowering the owner of a slave that had escaped into another State to seize him before any magistrate of a county, city or town corporate, wherein the seizure was made, and upon proof to the satisfaction of the magistrate, by oral testimony or affidavit, that the person seized "doth under the laws of the State or territory from which he or she fled owe service or labor to the person claiming him or her," it was made the duty of the magistrate to give a certificate thereof to the claimant, which should be a sufficient warrant for removing the fugitive.

A slave was brought before Judge Harrington under this law, by the attorney of the person who claimed to be the owner. The attorney undertook to prove to him that the slave owed service to the master. To do this he would prove that the master owned the slave. Judge Harrington was probably as familiar with the trial of land titles as with any other cases. The townships were granted to persons who were called and were the original proprietors. A title running back to them would be good. The attorney was armed with affidavits of title to the slave. He seemed to doubt whether Judge Harrington under-

stood the procedure, but put in proof an affidavit of a bill of sale of the man. Judge Harrington asked if that was all. Then he put in a bill of sale of the mother to the man who sold the slave. Judge Harrington said: "Is that all?" The attorney said he had gone back to the ownership of the mother. Judge Harrington said: "But you don't go back to the original proprietor." The attorney was surprised at this and asked what would answer, beyond these bills of sale. Judge Harrington went back in his mind to the original proprietor, the Creator of all mankind, and over all pretended intermediate ownership of one man by another, and answered: "A bill of sale from God Almighty." The attorney could not produce that, the certificate was refused and the slave went free.

This was the first time that such proof had been required. It had never been produced anywhere. Every man owns himself. No man can by right own another. That ended all claims to slaves in Vermont. No fugitive from his master was ever returned from here to his bondage. It was never again attempted. When Frederick the Great wanted the land where a windmill stood for a garden he sent to buy it. The miller would not sell. The king's messenger said he supposed the king could take it at his own price if he pleased. The miller said he could not, and when the messenger asked why not, the miller said because there were judges at Berlin. The pretended owner could not have his slave in Vermont because there were magistrates like Judge Harrington here.

When the slave Randolph, who had escaped from his

owner in Virginia and came to New Bedford, and had a house there and lived there four or five years, was seized by his owner, the supreme court of Massachusetts, in 1823, had him and the same question in hand. Chief Justice Parker said that in adopting the constitution of the United States they had entered into an agreement that slaves should be considered as property, and Randolph went back to his slavery. Under a decision of the supreme court of Massachusetts in 1850, Shadrack Sims went back to slavery from Boston, and Anthony Burns was taken by a United States marshal, under guard of soldiers, through the streets of that city and sent to slavery again under his master. Flags were hung at half mast in some places as the procession passed, but the man had to go to his servitude.

In 1856 a majority of the supreme court of the United States, which had said in 1842 that a slave owner had the right to retake his slave without a warrant in any state, said that the slave owner had the right to take his slaves into the territory of the United States, not formed into States, and hold them there. Constitutions and laws derive their force from the consent of those who make them. The judges said that the slaves did not enter into the compact by which the constitution was made and therefore were not entitled to the benefit of its declaration for freedom; and still that they might be held by the laws of the slave States, which the constitution recognized. They were within the provision of the constitution when they were to be bound and without when they were to be freed.

Judge Harrington slept here in his grave, but this great wrong to a race would not lie still. It had got beyond correction by judicial decision or peaceful legislation, but it must be corrected. The question had to go to the arbitrament of war. Then Marshal Devens became General Devens and there was no doubt about which side he was on. The right prevailed, but not till almost 400,000 men had gone down to death in its defense, and the land was filled with mourners. In the midst of the great struggle, and as a part of it, freedom, according to the constitution of Vermont and the decision of Judge Harrington, was proclaimed to all within reach, and by amendment to the constitution of the United States all have been brought within reach.

It is not to be supposed that these other judges were actuated by any motive but to do their duty. They were great and good men, and did right as they saw it, and as the law according to their understanding required. It was not given to them to see the right clearly and accurately, as this rough and unpolished and unlearned judge saw it. He was not blinded by the sophistry which was woven about their judgments. He saw what was just and knew no other way but to do the justice which he saw.

Now the scales of justice have been corrected according to his standard throughout the whole country, and the wrong of slavery does not outweigh the right to freedom anywhere. The correction is accepted everywhere. The walls of the court houses are all made plumb and equity to all, white

or black, can get in at the doors.

"The mills of the gods grind slowly,

But grind exceeding small;

For the exalted and the lowly,

With exactness grind they all."

This monument is not erected to the memory of this man alone. It could not have been done if his judgment had not prevailed. Justice has prevailed, and is to prevail, and because of that this memorial is put up, This State is out of the currents of wealth and has more of men than of money. Its treasury holds the small savings of industry. This is well.

"Ill fares the land, to hastening ills a prey,

Where wealth accumulates and men decay."

She has done what she could in the court house and in battle. This monument will not last always; but it will not waste. It is to be hoped that freedom will always last. Wheresoever this gospel of freedom shall be preached throughout the whole world, this also that this State has done shall be spoken of as a memorial of her.

Among the prominent people present were ex-Judge James Barrett, ex-Congressman E. P. Walton and Charles H. Joyce, Chief Justice Homer E. Royce, ex-Judge Walter C. Dunton, Assistant Judges David E. Nicholson and Barnes Frisbie, Rev. Charles A. Reese, Hon. W. H. Smith, Hon. Daniel Roberts, Col. Aldace F. Walker, Judge Jerome B. Bromley, Hon. Jacob Edgerton, County Clerk H. H. Smith, Colonel V. A. Gaskill, Henry L. Clark,

John W. Cranton and P. Redfield Kendall. The chairman, after the oration had been followed by music, proceeded to call up some of these gentlemen, and first

THE HON. E. P. WALTON

of Montpelier, who was introduced as one who had done more than any other man now living to rescue the early history of Vermont from the oblivion into which it was fast sinking. Mr. Walton spoke of the State's monuments to great events and distinguished men. Of the five in Vermont Rutland county holds three. One is the monument on Hubbardton battlefield, in memory of the event and of Seth Warner and his brave compeers, another is the monument recently erected by the State in Tinmouth over the grave of Judge Nathaniel Chipman, who did more than any other man to shape the early judicature of Vermont, and the other is the monument of Judge Harrington now being dedicated. Tinmouth and Clarendon, whose population is not more than that of one ordinary town, have produced seven judges of the supreme court, by birth or descent, and three of them have been distinguished chief justices. He referred to the late governor and chief justice Stephen Royce and to his nephew, Homer E. Royce, an ex-member of congress and present chief justice, who is a grandson of Tinmouth. No other county has produced so many. We are soon to have a monument to commemorate the battle of Bennington; then Rutland county will lose its majority of the State monuments, but it should speedily regain it by having a monument to commemorate Col. Joseph Bowker, whose home was in this county, and whose services as a member of the Committee of Safety, which preceded the organization of the State government, and as chairman of the con-

vention which framed the constitution, should be perpetuated in a form visible to the "passing crowd." In conclusion Mr. Walton appealed to the patriotic people of Vermont to see that the grave of this early statesman and hero goes no longer unmarked.

(Note. Mr. Henry Clark of Rutland, good historical authority, says the location of the grave of Col. Bowker is not recorded and is unknown. Perhaps some old inhabitant, seeing this, may be able to recall what his parents may have told him about it, and if so he will please inform the Herald.)

CHIEF JUSTICE ROYCE

said that after the admirable address of Judge Wheeler nothing remained to be said. He had learned from childhood to entertain the highest respect for Judge Harrington, because he had heard so much about his judicial virtues and sterling manly qualities from his uncle. He regretted that the State should have made so meager an appropriation to commemorate so great a man. That judgment of his, which sank so deeply into the hearts of the people as to prepare them for the great events of a later generation, is, however, its own best monument and it will be perpetuated so long as freedom's banner shall wave.

EX-JUDGE BARRETT

After a facetious response to the flattering terms in which he had been introduced, said he would not attempt to add to the very complete memorial and tribute which had been paid by Judge Wheeler. Judge Harrington did not know the law, but he perceived justice. That great decision of his was an intuition. It was subsequently embodied in an equivalent expression by

William H. Seward when he spoke in congress of "the higher law" on this same slavery question. It is a mistake to suppose that constitutions, legislative enactments and judicial decisions constitute all the law. There is something without which these have no lasting force. Could they confer title to property in man? This decision of the unlettered Judge penetrated all human sophistries. That is why it is victorious through the civilized world and will forever shine as a luminary, leading to freedom. The speaker said he was able to recall the progress of the entire anti-slavery agitation and triumph, and throughout the whole of it there was nothing truer or more original than this startling decision which preceded it. Judge Harrington needs no monument. We cannot honor him. We may wish that the State had honored itself by a larger appropriation, but this occasion and the instruction that it imparts, and more than all, the history to which it gives a new perpetuation, enable us to honor ourselves and our children by contact with his inspiration.

HON. D. E. NICHOLSON

considered it a stroke of extreme good luck that old Tinmouth could be represented from top to bottom on this occasion. He was at the bottom and without eminence save as a native of Tinmouth. He had been introduced as one of the early abolitionists; so he was, and would have been one longer had he been born earlier. But he was born when Judge Harrington died, which he spoke of as "a feeble effort of nature at compensation." He would not have been true to his mother had he forgotten to heed

the teachings of old "Judge Thoff." Culture and accomplishments cannot be transmitted lineally. There is no eminent man here who has not broken the record of his ancestors. Character is a secret that no one can keep. In its development there must be no violation of the natural law which gives the offspring the characteristics of the parent of the opposite sex. The lineal male descendants of Judges Chipman and Harrington did not "take after" their fathers. To illustrate, he contrasted the historic recognition of Deity by Judge Harrington in his famous fugitive slave decision, and the fact that years afterwards his son was excluded from the witness box, on motion of the speaker, because he was an atheist. But the son gave a flash of the Harrington quality by retorting that if he had been allowed to testify he should not have lied as the hypocrites had who professed belief in God. The speaker had related this to the late Judge Daniel Kellogg, and thereupon the latter was instrumental in having that old law for the exclusion of atheists repealed. The memorable decision under the fugitive slave law of 1793 had given Judge Harrington what no other American had achieved, a monument in England, and when the speaker related it in a national convention in 1856, at an opportune moment, it was cheered as almost no other utterance was at that birth scene of the Republican party. Judge Harrington's leading characteristic was the direct thrust to the heart, the cutting clear through, of every legal proposition that was made before him. Judge Noble, a practitioner in his court, had related to the speaker that in a charge to the jury in a land case he told them that the settlers

in Vermont "took land as the old mothers did manna in the wilderness; they that gathered much had nothing over, and those who gathered little had no lack." In another case, after a wrangle of hours by the opposing counsel about the admission of a writing without a seal, the judge picked up a wafer and stuck it upon the paper and said, "Now let the writing be read to the jury"--thus showing his contempt for a law which had even then outlived the reason for its origin. In conclusion Judge Nicholson reverted to the point of heredity made in the beginning and dwelt upon the importance of character more than accomplishments in the transmission of great and growing qualities to the race.

HON. DANIEL ROBERTS

of Burlington was introduced as one who could make a speech, tell a story or sing a song. (Cries, "Give us a song") He said that as a native of the adjoining town of Wallingford he remembered an early visit made to this scene, and the impressions gained of Judge Harrington's rugged character were among the strongest of his life. This occasion is memorable because it bears such relation to the foundations of Vermont's policy of freedom and shows how Judge Harrington's bold declaration was a precursor of what had since become national policy. Vermont had always enjoyed peculiar eminence for love of freedom, and the "Song of the Vermonters", which had been alluded to in congress as one written by Ethan Allen, had long been regarded as a good exponent of their spirit. But it was not written by Ethan Allen. When he saw that allusion he remembered that the late Gov. Hall told him that he had heard it was written by John G. Whittier and

had been omitted from his published works probably because its warlike spirit did not accord with the poet's Quaker garb and gentle character. So he said he wrote Mr. Whittier to find out about it and the good man confessed that he wrote it in his youth, a circumstance which cannot but add to the love for Mr. Whittier long held by the liberty-loving people of Vermont. Mr. Roberts then read with fine elocution the well known lines beginning:

"Ho! all to the borders, Vermonters come down,

With your breeches of doeskin and your jackets of brown;"

And after he had read them, he sang a few verses to the air of the march in "Norma", an entertainment which was greatly enjoyed.

EX-JUDGE DUNTON.

said that very little is known of Judge Harrington except by tradition. Yesterday he had tried to find something in Johnson's Cyclopedic and Miss Hemenway's Vermont Gazetteer, but his name was not in the former and in the latter it appeared only as a representative of Clarendon in the legislature and in a list of early settlers who had each 12 children. God selects his own instruments for revolutions and reforms, and whatever other characteristics they possess they usually have a keen knowledge of right and wrong and great moral courage. Judge Harrington possessed these in an eminent degree. He struck the key-note of freedom in his refusal to recognize property in man when evidenced by a title of only human origin. The people of his time were timid upon the subject of slavery and this timidity continued down to the rebellion. There were numerous apolo-

gists for slavery, but, thank God, there were also a few men who had the moral courage to denounce it. It is to them we are indebted for absolution from the great curse. We owe a debt of gratitude to the early abolitionists that we can never repay--to Wm. Lloyd Garrison, Wm. H. Seward, Joshua R. Giddings, John G. Whittier, Charles Sumner, Salmon P. Chase, John Brown, Owen Lovejoy and others, who exposed the iniquity until the nation became aroused. The speaker said he was a spectator of the national convention in 1860, which nominated Lincoln. After the committee on platform had reported, the venerable Mr. Giddings moved to add this extract from the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness." The convention was afraid of the effect of this, coming from so noted a radical as Mr. Giddings, and voted to lay the resolution on the table. Mr. Giddings arose, and in a firm, clear voice, said: "Mr. President, if it has come to this, that a national republican convention is afraid to incorporate any portion of the Declaration of Independence into its platform, I am done with the republican party," and taking his hat he left the convention, with tears trickling down his cheeks and with his long flowing white hair waving in the breeze that came through the windows, his countenance at the same time beaming with philanthropy and kindness of heart. The convention reassembled in the afternoon. George Wm. Curtis called up the motion of Mr. Giddings, and in a speech that electrified the convention, moved its adoption. The convention

was convinced it had made a mistake and the motion prevailed. To its correction we doubtless owe the election of Lincoln. God willed that the rebellion should be the death of slavery. So long as we were trying to preserve the Union and slavery too, our successes were few and temporary, our defeats numerous and disastrous. The future looked dark, but

"There's a Divinity which shapes our ends,

Rough how them how we will."

No one more clearly saw this than Mr. Lincoln. To a gentleman from Rutland, who met him in one of his inspired moments, just after the disaster to the Red River expedition he said: "Such news affects me far differently from what it formerly did. The government has been blamed for not holding out the olive branch to the South; the truth is liberal propositions for peace have always been indirectly before them, and more especially after we have achieved some important successes, but before the South would have time to consider them they in turn would be most unexpectedly successful against the greatest odds. This has led me to feel that presidents, cabinets, and military commanders are of secondary importance in this great contest." And taking off his hat, and looking reverently upward, he added: "The Great Commander in Chief has this war in His hands, to work out His purposes in his own good time. Even a mental pledge upon my part to take a step in advance towards righteousness to the oppressed has been more potent than the wisest military combinations. However others may feel, this experience gives me full confidence as to the final result." Thus actuated President Lincoln issued the Emancipa-

tion Proclamation and the tide turned: Our army was victorious and the Union saved. The surrender at Appomattox was the complete triumph of Lincoln's faith and foresight, a vindication of the law as adjudicated by Judge Harrington so long before, and the fruition of the principles so long cultivated by the Abolitionists.

OTHER PROCEEDINGS.

At the conclusion of Judge Danton's speech, the chairman called on Col. Charles H. Joyce, as he had twice before, and the meeting joined in the call, but Col. Joyce had left the ground. Mr. Cyril Carpenter was introduced and he read a short address. Judge Bromley of Castleton then read a letter from Mr. Caleb B. Harrington of Burlington, Iowa, a relative of the deceased judge, in which he paid a high tribute to the Vermont judiciary and to the valor of her soldiers, and closed as follows:

"In conclusion permit me again to express my profound regret at my inability to be present with you on this occasion. And permit me to thank you and the people of Vermont for this splendid tribute to the memory of my deceased relative, by erecting this monument in the "city of the dead" where so many of my relatives sleep.

A letter from Senator Morrill's secretary was read, regretting the senator's inability to come on account of illness. The following letter was received from Senator Edmunds:

SENATE CHAMBER, WASHINGTON,)
25th June, 1886.)

My dear Judge:--

I have yours of the 21st inst, inviting me to attend, 3d prox. the dedication exercises in connection with the monument erected to the memory of Judge Theophilus Harrington by the State, in Clarendon. I had promised some time ago to go, if practicable, to Woodstock, Ct. and deliver a short address on the Fourth of July, on a topic of much public importance. But in the pressure of legislative affairs here I expect I shall find it impossible to do that, as it will be, in either case, for me to be present on the occasion you name. I am glad that the State has provided for this monument. Judge Harrington, as one of the founders of our then young and independent republic, deserves to be held in gracious and affectionate recollection in our State.

Wishing you all every happiness on that occasion,

I am

Very truly yours,

George F. Edmunds.

Hon. W. G. Veazey, Chairman, etc.,

Rutland, Vt.

Regrets from ex-Gov. Proctor, Lieut.-Gov. Ormsbee, Hon. Levi K. Fuller of Brattleboro, and some others had also been received:

At this juncture the presence of a choir from Ira was made known to the chairman and he called them to the stand.

They sang "Freedom's Banner", words and music by H. R. Randall, with great acceptance and were handsomely complimented by the choir. The choir consisted of Wallace Fish, Smith Johnson, Henry C. Fish, Frederick K. Johnson, Mrs. Ella Day, Miss Belle Johnson, Miss Delle Johnson and Miss Frankie Day, organist. After the collation they sang several other selections, alternating with the Rutland band, which contributed very much to the spirit and success of the occasion. About 3 P. M. the people dispersed.

CHIPPENHOOK.

The full report presented in this issue of the dedication of the Harrington monument Saturday shows that it was one of the most notable occasions ever held in this State and it was a peculiarly appropriate observance of the Fourth of July. It may be said that this farmer judge of Vermont issued some 70 or 80 years ago the first proclamation of emancipation. His words have electrified two generations of VermonTERS and given the State wide distinction for rugged assertion of liberty, originality and force of expression. It compares with Ethan Allen's demand for the surrender of Ticonderoga, only it was less profane and infinitely more significant.

Regret was expressed by two or three of the speakers that the appropriation was so meager. It seems to us to have been adequate. The monument is a nice one and worth more than it cost. It is suitable to its surroundings. Had Judge Harrington once dreamed that so fine a stone would ever be erected at his grave and that a meeting of high officials and a large concourse of people would be held in his honor 73 years after his death, he would probably have wondered what on earth he had done. Our glorious past was all future to him, and he probably little realized what an impulse he had given to liberty.

The speaking Saturday was worthy the occasion. Judge Wheeler's address was altogether admirable. We do not recollect having anywhere seen so good a statement of the legal aspect of the slavery question as he has put into a few concise paragraphs. Neither he nor the other speakers omitted to trace the

logical connection between Judge Harrington's bold disregard of human law and the tremendous struggle which afterwards convulsed the nation, and when Ex-Judge Dunton dwelt upon two prominent incidents of the latter the audience was thrilled by a comprehension of the great instruction of the day and the events.

It was a pleasant and profitable occasion, the best kind of celebration of the national anniversary, replete with patriotic instruction and worthy of even a much wider recognition than the circulation of the local press can give it.